# CHAPTER 20B. DRUID HILLS LANDMARK DISTRICT

#### Sec. 16-20B.001. Statement of intent.

The intent of establishing the regulations for the Druid Hills Landmark District is as follows:

- (1) To recognize the masterpiece of design that is the 1893 plan for Druid Hills created by Joel Hurt's "ideal residential suburb" by Frederick Law Olmstead, the father of American landscape architecture, a plan subsequently formalized by his sons, the Olmstead Brothers, and completed by the Druid Hills Corporation.
- (2) To preserve the environmental character and physical appearance of the area, including parkways, houses and buildings created during the 1895 to 1930 period of development; existing general landscaping features; and existing spatial relationships between the buildings and streets and to ensure that any new development is compatible with the present architectural and spatial attributes that prevail.
- (3) To preserve the residential character of the area except when nonresidential uses may be required to preserve houses and buildings built during the historically significant period of development and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.
- (4) To ensure that new construction observes the general setback and height restrictions of the original development and is in harmony with the historic character of the district.
- (5) To ascribe special recognition to the manner in which the several churches contribute so substantially to the beauty of the district.

#### Sec. 16-20B.002. Division into subareas.

The Druid Hills Landmark District is divided into two (2) subareas for regulatory purposes. The two (2) subareas are as follows:

- (1) The Ponce de Leon Corridor.
- (2) Fairview Road.
- (3) Springdale/Oakdale/Lullwater

### Sec. 16-20B.003. General regulations.

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (1) Minimum off-street parking requirements:
  - a. Off-street parking will not be permitted in any front yard nor in any side yard within 50 feet of a street line, except for Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this parking regulation, the front yard shall be that area between the street line and the forward line of the principal structure.
  - b. No off-street parking shall be located within 20 feet of any lot line except as may be authorized by the Atlanta Urban Design Commission under section 16-20B.004(5).
  - c. Parking space requirements: Parking areas on the lot with adequate access to a public street and with adequate circulation space shall be constructed of a material which will assure a surface resistant to erosion and shall be maintained permanently as follows:

- 1. For multiple-family dwellings and two-family dwellings: Two (2) spaces for each dwelling unit.
- 2. For single-family dwellings: Two (2) spaces per dwelling unit.
- 3. For other permitted uses: As indicated in section 16-10.009.
- (2) Repealed.
- (3) *Minimum landscaping requirements:* The overall quality of the landscaped area visible from public ways should be preserved as an integral part of the historic character of Druid Hills, and the following regulations shall apply to all parcels located within the district:
  - a. A certificate of appropriateness shall be required for the clearance or removal of any tree with a caliper of four (4) inches or greater and shrub massings or hedges over three (3) feet high.
  - b. All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site which are cleared for any reason, shall be replaced with trees having a minimum caliper of one and one-half (11/2) inches.
  - c. A certificate of appropriateness shall be required for any major change in the landscape which is visible from the public right-of-way. Removal or changes in topography, walls (retaining or freestanding), and fences shall constitute a major change.
  - d. The issuance of a certificate of appropriateness for the conversion of any existing building for any permitted nonresidential use, where located adjacent to a residential use, may be conditioned upon the requirement of a suitable buffer by the urban design commission.
  - e. Any construction in the Druid Hills Landmark District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the district. Landscape changes visible from the public right-of-way shall require a Certificate of Appropriateness and shall follow the standards set forth by the Secretary of the Interior. These standards, The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes, are designed to assist individual property owners in the formulation of plans for maintenance and continued use of historic properties and landscapes.
- (4) *Minimum drainage controls:* Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
  - a. No structure shall be permitted within any 100-year floodplain.
  - b. No single-family structure shall be constructed on natural slopes greater than 25 percent.
  - c. No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

#### Sec. 16-20B.004. Ponce de Leon Corridor regulations.

In addition to the general regulations required in section 16-20B.003, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the Ponce de Leon Corridor.

These regulations are intended to preserve the environmental character and the physical appearance of the corridor in order to encourage the continued use of the existing structures for residential use where feasible, and to assure that any nonresidential use which may be permitted for preservation purposes in existing structures is compatible with the historic character of the district as a whole.

- (1) Permitted principal uses and structures: A building or premises shall be used only for the following principal purposes; and any new development, conversion of existing structures to uses permitted within the district, or renovation or proposed change of the exterior facade of any existing structures visible from the public street shall require the granting of a certificate of appropriateness by the urban design commission prior to the issuance of a building permit:
  - a. Single-family dwelling and two-family dwelling.
  - b. Multifamily dwellings according to the following requirements:
    - 1. The conversion of existing structures containing at least 1600 square feet of total floor area and conformance with the following criteria:
      - (a) No more than one (1) dwelling or lodging unit shall be permitted for each 750 square feet of floor area contained within the structure (with major fractions allowing an additional unit).
      - (b) Such conversion may be made where the existing dwelling is on a lot, or provides yards or other open space of lesser dimensions than required herein for any new construction, but shall not increase the degree of nonconformity existing. All other requirements of these and other applicable regulations shall apply.
    - 2. The construction of new structures on either vacant parcels or as additional structures where the existing structure is proposed to remain, such additional construction shall conform to the development controls as so specified above.
  - c. Public and private schools through the secondary level.
  - d. Parks, and playgrounds and community buildings owned and operated by a government agency, and private clubs on lots of 10 acres or greater.
  - e. The following nonresidential uses may be granted a certificate of appropriateness by the urban design commission upon a finding by the commission that such use of the existing structure is not incompatible with or detrimental to the residential character of the district.

Each such use granted under the provisions of this section shall be subject to such sign, parking and appearance regulations as may be required by the urban design commission in order to preserve the existing character of the Ponce de Leon Corridor.

- 1. Churches and temples on lots having a minimum of two and one-half (21/2) acres.
- 2. Repealed.
- 3. Repealed.

- 4. Libraries and museums and private, nonprofit educational institutions.
- 5. Repealed.
- 6. Repealed.
- (2) *Permitted accessory uses and structures:* Uses and structures are permitted which are customarily incidental and subordinate to permitted uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
  - a. Such structures shall be located to the rear of the principal structure and not within any required side or rear yards (see section 16-20B.004(5) and 16-20B.005).
  - b. Accessory buildings and uses shall be permitted as specified in section 16-05.004 for single-family property except barns for the keeping of horses, which shall be prohibited.
- (3) Special use permits: The following nonresidential uses may be granted a special use permit by the council only upon a finding of the council that: (a) such nonresidential use of the existing structure is not incompatible with or detrimental to the residential character of the district; and (b) that the structure, as it exists or as it is permitted to be modified under this chapter and the landmark district regulations, can no longer feasibly be used as a residence; provided, however, the burden of proving that the structure can no longer feasibly be used as a residence shall be upon the applicant. The council considerations as to the feasibility of residential use shall include, but not be limited to, the original purchase price of the property, the year it was purchased, the asking price for the property, the length of time the property has been on the residential market, the efforts which have been made by the applicant to sell the property for residential use, the number of persons expressing an interest in purchasing the property, any repairs that may be necessary to the structure, and recent sales of similar properties in the vicinity.

Each such use permitted by the council shall also be required to obtain a certificate of appropriateness from the urban design commission for all changes to the property, including but not limited to signage and parking, as required by this chapter and the landmark district regulations, in order to preserve the existing character of the Ponce de Leon Corridor.

- 1. Offices employing no more than one (1) person for each 300 square feet of floor area within the structure.
- 2. Consular offices.
- 3. Offices for quasi-public organizations such as the Georgia Conservancy or the Sierra Club.
- 4. Home for the elderly which may include lodging units, not to include care facilities.
- (4) Area regulations; subdivision of lots: The minimum size lot resulting from subdivision shall be not less than 20,000 square feet except for zero-lot-line subdivisions.
  - a. Minimum lot width: Each lot shall have a minimum width of 135 feet.
  - b. Lot area:
    - 1. Single-family dwellings: Each lot shall contain a lot area of not less than 20,000 square feet.
    - 2. Two-family dwellings: Each lot shall contain a lot area of not less than 25,000 square feet.
    - 3. *Multifamily dwelling:* Each lot shall contain a minimum lot area of not less than 3600 square feet per dwelling unit.

- (5) Lot coverage:
  - a. For single-family and two-family dwellings: No more than 35 percent of the lot may be covered by structures, parking and driveways.
  - b. For multifamily uses: Shall be computed as for R-G, Chapter 8, Table 1, Land Use Intensity Ratios.
  - c. For all other permitted uses: No more than 45 percent of the lot may be covered by structures, parking and driveways.
- (6) *Minimum yard requirements:* The following yard requirements shall apply to all permitted uses, except that off-street parking may be located within 10 feet of side and rear yard lines upon approval of the urban design commission. Such approval shall be conditioned upon adequate buffering and screening. No parking in required yards will be allowed where such yards adjoin public rights-of-way.
  - a. Setbacks:
    - 1. South side of Ponce de Leon beginning at the east side of Moreland Avenue to the Springdale intersection, except for gateway property at the east corner of Ponce de Leon and Moreland, which shall maintain its existing setbacks:

Front Yard: 80 feet.

Side yards:

Single-family: 20 feet. Two-family: 25 feet. Multifamily: 30 feet. Other use: 30 feet. At public street frontage: At Moreland: 60 feet. At Springdale: 50 feet.

Rear yard: 35 feet.

South side of Ponce de Leon beginning at west side of Springdale intersection to the Oakdale intersection:

Front yard: 83 feet.

Side yards:

Single-family: 20 feet. Two-family: 25 feet. Multifamily: 30 feet. Other use: 30 feet. At public street: 50 feet.

Rear yard: 35 feet.

3. South side of Ponce de Leon beginning west side of Oakdale intersection to the Fairview intersection:

Front yard: 79 feet.

Side yards:

Single-family: 20 feet. Two-family: 25 feet. Multifamily: 30 feet. Other use: 30 feet. At public street: 50 feet.

Rear yard: 35 feet.

4. South side of Ponce de Leon, Fairview Road NE to Atlanta city limits:

Front yard: 168 feet.

Side yards:

Single-family: 20 feet. Two-family: 25 feet. Multifamily: 30 feet. Other use: 50 feet. At public street: 50 feet.

Rear yard: 35 feet.

5. North side of Ponce de Leon; Briarcliff Road, NE, to Springdale intersection except for gateway property at northeast corner of Briarcliff which shall maintain its existing setbacks:

Front yard: 132 feet.

Side yards:

30 feet plus 5 feet for each additional story above 2. At public street intersections, side yard setback shall be 50 feet.

Rear yard: 35 feet.

6. North side of Ponce de Leon; Springdale Road, to Oakdale:

Front yard: 119 feet.

Side yards:

30 feet plus 5 feet for each additional story above 2. At public street intersections, side yard setback shall be 50 feet.

Rear yard: 35 feet.

7. North side of Ponce de Leon; Oakview Road, NE, to Lullwater intersection:

Front yard: 149 feet.

Side yards:

30 feet plus 5 feet for each additional story above 2. At public street intersections, side yard setback shall be 50 feet.

Rear yard: 35 feet.

8. North side of Ponce de Leon; Lullwater Road NE to Atlanta city limits:

Front yard: 129 feet.

Side yards:

30 feet plus 5 feet for each additional story above 2. At public street intersections, side yard setback shall be 50 feet.

Rear yard: 35 feet.

- b. Open space and space between buildings: Same as R-G, see chapters 8 and 28.
- c. Maximum height: No building shall exceed 45 feet in height.

# Sec. 16-20B.005. Fairview Road regulations.

The following regulations shall apply to any proposed development on any property located on Fairview Road:

- (1) Permitted principal uses and structures:
  - a. Single-family dwellings.

- b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
  - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
  - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
  - Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
  - d. Home occupations.
- (3) Minimum lot requirements:
  - a. Lot width: Each lot shall have a minimum lot width of 100 feet.
  - b. Lot area: Each lot shall contain a minimum lot area of 18,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
  - a. Setbacks:
    - 1. North side, Moreland Avenue to Springdale Road, NE:

Front yard: 65 feet.

Side yards: 20 feet.

Rear yard: 50 feet.

2. North side, Springdale Road to Oakdale Road, NE:

Front yard: 90 feet.

Side yards: 25 feet.

Rear yard: 100 feet.

3. North side, Oakdale Road to the east end of Fairview Road, NE:

Front yard: 73 feet.

Side yards: 25 feet.

Rear yard: 40 feet.

4. South side, Moreland Avenue to center line of Candler Street extended:

Front yard: 59 feet.

Side yards: 20 feet.

Rear yard: 35 feet.

5. South side, center line of Candler Street extended to Oakdale road, NE:

Front yard: 59 feet.

Side yards: 20 feet.

Rear yard: 100 feet.

6. South side, Oakdale road to east end of Fairview Road, NE:

Front yard: 50 feet.

Side yards: 25 feet.

Rear yard: 100 feet.

(6) Maximum height: No building shall exceed a height of 35 feet.

# Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

- (1) Permitted principal uses and structures:
  - a. Single-family dwellings.
  - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
  - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
  - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
  - Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
  - d. Home occupations.
- (3) Minimum lot requirements:
  - a. Lot width: Each lot shall have a minimum lot width of 100 feet.
  - b. Lot area: Each lot shall contain a minimum lot area of 38,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:

#### a. Setbacks:

1. West side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard: 120 feet.

Side yards: 25 feet.

Rear yard: 50 feet.

2. East side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard: 100 feet.

Side yards: 25 feet.

Rear yard: 100 feet.

3. West side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard: 110 feet.

Side yards: 20 feet.

Rear yard: 100 feet.

4. East side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard: 110 feet.

Side yards: 20 feet.

Rear yard: 100 feet.

5. West side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard: 125 feet.

Side yards: 25 feet.

Rear yards: 100 feet.

6. East side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard: 75 feet.

Side yards: 20 feet.

Rear yards: 50 feet.

7. East side of Lullwater Parkway, to city limit:

Front yard: 140 feet.

Side yards: 25 feet.

Rear yards: 100 feet.

8. East side of Lullwater Parkway, to city limit:

Lullwater Conservation Garden

(6) Maximum height: No building shall exceed a height of 35 feet.

# Sec. 16-20B.007. Status of permits issued or application filed prior to the adoption of these Landmark District regulations.

When an application, including plans, has been filed or when a building permit has been issued, prior to the effective date of this chapter, or an amendment, nothing contained shall require any changes in the plans, construction, size or designated use of a building, structure or part thereof if construction under such plans or permit is begun within 180 days of the effective date of this chapter. Where there are changes required under this chapter or an amendment thereto, failure to begin construction within 180 days, or discontinuance of construction for 180 days, shall have the effect of voiding the permit. In such case, the director, bureau of buildings, shall require a new permit, which shall be governed by regulations currently in effect.

# Sec. 16-20B.008. Variances, special exceptions and appeals.

- (1) The urban design commission shall have the power to hear, grant or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provision in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.
- (2) Appeals from decisions of any administrative officials shall be made to the urban design commission, the same as so specified for the board of zoning adjustment in section 16-30.010, chapter 30 of this part.